

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: DEREK KOHL, Complainant, vs INTERSTATE POWER AND LIGHT COMPANY, Respondent.	DOCKET NO. FCU-04-9 (C-03-242)
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ORDER DENYING REQUEST FOR FORMAL COMPLAINT PROCEEDINGS

(Issued April 9, 2004)

On October 30, 2003, Derek Kohl, through his counsel, contacted the Utilities Board (Board) to delay disconnection of electric and gas service at his residence due to a medical condition. A written complaint was filed on November 4, 2003.

Interstate Power and Light Company (IPL) filed a response on December 1, 2003. IPL noted that with respect to a possible medical exemption from disconnection, subrule 199 IAC 20.4(15)"d"(9) provides that disconnection may be postponed if disconnection would present an especial danger to the health of a permanent resident of the premises. The subrule also provides:

The utility may require written verification of the especial danger to health by a physician or public health official, including the name of the person endangered, a statement that the person is a resident of the premises in question, the name, business address, and telephone number of the

certifying party, the nature of the health danger and approximately how long the danger will continue.

IPL said Mr. Kohl did not present sufficient information of an especial danger because the information provided only said there would be an increased risk of falling without lighting. No specifics of Mr. Kohl's condition were provided. In addition, IPL found that Mr. Kohl was not without service because he used an electric drop cord to obtain power from a neighbor after the disconnection. This was in violation of IPL's tariffs and presented safety concerns. Mr. Kohl had a history of payment problems with IPL.

On January 14, 2004, the Customer Service Section issued a proposed resolution that found there was no evidence provided of especial danger and that disconnection was appropriate. Mr. Kohl disagreed with the proposed resolution and filed a timely request for formal complaint proceedings on January 30, 2004.

Iowa Code § 476.3(1) (2003) provides, in part, that following informal complaint proceedings, "[t]he complainant or the public utility also may petition the board to initiate a formal proceeding which petition shall be granted if the board determines that there is any reasonable ground for investigating the complaint." This is the standard the Board applies to requests for formal complaint proceedings.

All documents contained in the file of an informal complaint proceeding are part of the record. 199 IAC 6.7. Thus, in determining whether there is any reasonable ground for instituting formal complaint proceedings, the Board reviews the entire file.

The issue raised in the request for formal complaint proceedings is whether the proposed resolution correctly found there was no especial danger warranting

postponement of disconnection. The statement provided by Mr. Kohl's physician only indicated that there would be an increased danger of falling without lighting. This would be true for any person whose electric service is disconnected. Neither Mr. Kohl nor his physician provided additional information to IPL to support their claim of an especial danger. IPL attempted to contact Mr. Kohl on several occasions to obtain additional information, but Mr. Kohl either could not be reached or did not provide the requested information. However, it is not necessary for the Board to determine whether disconnection should have been postponed because the Board understands that subsequent to the request for formal complaint proceedings, Mr. Kohl moved from the residence in question and is no longer seeking utility service in IPL's service territory, rendering the complaint moot. Therefore, the request for formal complaint proceedings will be denied.

IT IS THEREFORE ORDERED:

The request for formal complaint proceedings filed by Derek Kohl on January 30, 2004, is denied.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 9th day of April, 2004.